

Exhibit F



PAUL F. KENEALLY, PARTNER
(585) 258-2882
pkeneally@underbergkessler.com

August 17, 2018

VIA EMAIL AND FIRST CLASS MAIL

Daryoush Behbood, Esq.
Clinton Brook & Peed
101 Hudson Street
Suite 2100
Jersey City, New Jersey 07302

Re: *Daniel Kleeberg, Lisa Stein and Audrey Hays v. Lester Eber, et al.*
Civ. Action No.: 16-cv-09517

Dear Mr. Behbood:

Please allow the following to serve as a response to the objections to the Eber Defendants' various discovery responses raised in your July 31, 2018 letter. I would suggest that rather than continuing the endless parade of objections on relatively minor points, it would be far more efficient for all involved to simply address these minor issues during depositions. If a written clarification is called for thereafter, so be it. Nonetheless, please be advised of the following:

- The January 29, 2008 letter from Lester Eber to Lee Hager previously produced is the only copy in possession of the Eber Defendants. Please be further advised that we do not possess a copy that has been countersigned by Mr. Hager.
- While Mr. Eber's bank record entries unrelated to this case or any of the companies or people referenced in it, we have unredacted these unrelated deposit entries to show names only demonstrating they were not from any Eber entity. A disc containing same is attached.
- The plain language of the Eber Defendants' response to No. 19 of Plaintiff's First Request for Production of Documents makes clear that all documents were provided despite the objection raised in the response. However, let this further confirm that no documents were withheld based on that objection. This is true for the other responses referenced in your letter, namely Wendy Eber's amended response No. 6 to Kleeberg's First Set of Interrogatories, response No. 41 in Eber Defendants' amended responses to Plaintiff's Second Request for Production, and response No. 9 in Eber Defendants' amended responses to Hays' First Set of Interrogatories.



Daryoush Behbood, Esq.
August 17, 2018
Page 2

- The following attorneys were retained regarding the foreclosure action: David L. Belt, Esq. of Hurwitz Sagarin Slossberg & Knuff LLC and Paul F. Keneally, Esq., William Brueckner, Esq. and Michael J. Beyma, Esq. of Underberg & Kessler LLP.
- The ownership interests in Eber W&L was as follows:
 - Eber Bros.: 250 preferred; 2000 A common; 438 B common;
 - Trust Beneficiaries: 250 preferred; 379 B common; and
 - Lester Eber: 750 B preferred.
- The following attorney was retained regarding the formation of Alexbay LLC: Jerry Ferrell, Esq.
- Lester Eber's response to Interrogatory No. 25 makes clear that it was Lester Eber's understanding that a demand to the Board was necessary based upon his position on that Board for many years. Contrary to your characterization, this is not a legal conclusion, rather this was Lester Eber's good faith belief based upon his long association with Eber Bros.

Very truly yours,

Paul F. Keneally

PFK:ar

Enclosures

cc(w/encl):

Robert Calihan, Esq. (w/ *enc. via email and First Class Mail*)

Laura Myers, Esq. (w/ *enc. via email and First Class Mail*)

Michael J. Adams, Esq. (w/ *enc. via email and First Class Mail*)